

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 14, 2008 has been entered.

Drawings

The corrected drawings were received on January 15, 2008. These drawings are accepted.

Response to Arguments

Applicant's arguments filed March 14, 2008 have been fully considered but they are not persuasive. A discussion is provided below. Examiner notes that claim 7 is cancelled by the applicants.

Midgley discloses per Col 6 line 59 – Col 7 line 4, "The system methods described herein include a replication backup system that runs, optionally in parallel, a synchronization replication process and a dynamic replication process. The synchronization replication process creates a baseline image that replicates on a back up server, data structures that have been selected by the user to be backed up and the dynamic replication process monitors in real time file input/output calls associated with

these data structures, to thereby capture changes being made to these data structures and making these same changes to the replicated image of these files on the backup server, to maintain the replicated data structure on the back up server as a mirror image of the data on the computer network." Midley teach per Col 12 lines 53-Col 13 line 16, along with above passage , that receipt of any data is limited on the associated server, and transmission of data is limited to the backup server. Midgley discloses that any file can be received or transmitted per Col 4 line 29-Col 5 line 3, "In another aspect, the invention can be understood as a process for creating backup files for a plurality of data files stored on a server on a computer network. The process may comprise selecting at least one of the plurality of data files on the server as a source data file that is to be replicated as a target data file on the backup server."

Radatti discloses per Col 2 line 62 - Col 3 line 4, "A workstation component, located on a user's machine, scans code and rejects or filters out that code that is not authorized--that lacks a certification identifier--by referencing the database. In preferred embodiments, the database of authorized code is frequently updated. Additionally, the database of authorized code may be disseminated throughout a system on a regular basis so a local database may exist as well as the central database. These embodiments are especially useful in a portable computer situation." Examiner notes that code that is not authorized is interpreted as unverifiable, and rejects of filters out that code that is not authorized is read as non-processable form"

To further add to the discussion of transmitting converting, transmit, to and store in the second computer non-verified or non-verifiable data received by the first computer

only in non-processable form" Radatti discloses per Col 3 lines 20-29, "Moreover, in other preferred embodiments, the validation process may encrypt the code in order to insure another level of protection."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley et al. – hereinafter Midgley (US 6,526,418) in view of Radatti et al. – hereinafter Radatti (US 7,093,135).

As per claim 1, Midgley discloses a computer system connected to a data communications network, comprising:

a first computer; (Col 4 line 29 – Col 5 line 3)

a second, redundant computer that is independent of the first computer;

wherein the first computer is configured to match with the second computer by comparing a first work result of the first computer with a second work result of the second computer; (Col 4 line 29 – Col 5 line 3; creating backup files for a plurality of data files stored on a server on a computer network, may compare the image signal to a corresponding image signal that is either stored or created on the backup server to

detect a change in the state of the data structure or in the state of a portion of the data structure)

wherein receipt of any data from the data communications network is limited to the first computer; (Col 4 line 29-Col 5 line 3, Col 6 line 59-Col 7 line 4)

wherein transmission of data to the data communications network is limited to the second computer; (Col 4 line 29-Col 5 line 3, Col 6 line 59-Col 7 line 4)
wherein at least an initial processing of the data received from the data communications network is limited to the first computer; and (Col 12 lines 22-52)

Midgley discloses wherein the first computer is configured to transmit and store data in a second computer. (Col 12 line 53 – Col 13 line 16) Midgley fails to disclose wherein the first computer is configured to convert, transmit to and store in the second computer non-verified or non-verifiable data received by the first computer only in non-processable form. Radatti discloses wherein the first computer is configured to convert, transmit to and store in the second computer non-verified or non-verifiable data received by the first computer only in non-processable form. (Col 2 line 62 – Col 3 line 4, Col 3 lines 20-29, Col 7 lines 10-35; prohibiting a user from deleting or editing validated macros; prohibiting all macros from running; etc.) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose wherein the first computer is configured to transmit to and store in the second computer non-verified or non-verifiable data received by the first computer only in non-processable form in the disclosure of Midgley. The motivation for doing so would have

been to identify and secure code, as well as provide virus detection and code authentication (Col 2 lines 50-55)

As per claim 2, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley fails to disclose wherein the first computer is configured to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form. Radatti discloses wherein the first computer is configured to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form. (Col 7 lines 40-50; Virus macro removed, Probable virus macro removed, Unauthorized macro removed) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form in the disclosure of Midgley. The motivation for doing do would have been to identify and secure code, as well as provide virus detection and code authentication (Col 2 lines 50-55) .

As per claim 3, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley disclose wherein the first computer and the second computer are configured to independently verify the received data, and wherein only matching verified data are stored in the second computer in processable form. (Col 12 line 53 – Col 13

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line 15; the back up system may compare the source files metadata and, may compare its contents)

As per claim 4, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley discloses further comprising: a central data memory, wherein direct access to internal data of the computer system contained in a central data memory is limited to the second computer; and wherein the first computer is configured to receive the internal data only upon request via the second computer. (Col 4 line 29-Col 5 line 20, Col 6 lines 1-21)

As per claim 6, Midgley discloses a method, comprising: in a first computer, classifying data received from a data communications network as verified data and non-verified data, and producing a first work result representing the verified data;

in the second computer, independently verifying the verified data forwarded from the first computer and producing a second work result based on the independent verification; comparing the first work result with the second work result; and if the first work result and the second work result match, storing the verified data in the second computer. (Col 4 line 29 – Col 5 line 3; creating backup files for a plurality of data files stored on a server on a computer network, may compare the image signal to a corresponding image signal that is either stored or created on the backup server to detect a change in the state of the data structure or in the state of a portion of the data structure)

wherein receipt of any data from the data communication network is limited to the first computer and wherein transmission of any data to the communications network is limited to the second computer. (Col 12 line 53 – Col 13 line 16)

Midgley fails to disclose converting the non-verified data into a non-processable form by the first computer; forwarding the verified data in processable form and the non-verified data in the non-processable form from the first computer to a second computer. Radatti converting the non-verified data into a non-processable form by the first computer; forwarding the verified data in processable form and the non-verified data in the non-processable form from the first computer to a second computer (Col 2 line 62 - Col 3 line 4, Col 3 lines 20-29, Col 7 lines 10-50; prohibiting a user from deleting or editing validated macros; prohibiting all macros from running; etc.; Virus macro removed, Probable virus macro removed, Unauthorized macro removed) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose discloses forwarding the verified data in processable form and the non-verified data in non-processable form from the first computer to a second computer in the disclosure of Midgley. The motivation for doing do would have been to identify and secure code, as well as provide virus detection and code authentication (Col 2 lines 50-55).

As per claim 8, Midgley / Radatti disclose the method of claim 6. Midgley discloses wherein only the second computer directly accesses internal data contained in a central data memory, and wherein the first computer indirectly accesses the internal

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data only upon request via the second computer. (Col 4 line 29 – Col 5 line 3, Col 18 lines 29-48)

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley et al. – hereinafter Midgley (US 6,526,418) / Radatti et al. – hereinafter Radatti (US 7,093,135) in view of Mosher, Jr. et al. – hereinafter Mosher, Jr. (US 5,799,323)

As per claims 5 and 9, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley fails to disclose further comprising:

an independent, redundant third computer; and wherein the second computer is configured to match with the third computer by comparing the second work result of the second computer with a third work result of the third computer. Mosher Jr. discloses an independent, redundant third computer; and wherein the second computer is configured to match with the third computer by comparing the second work result of the second computer with a third work result of the third computer. (Col 26 lines 6-26) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to an independent, redundant third computer; and wherein the second computer is configured to match with the third computer by comparing the second work result of the second computer with a third work result of the third computer. Mosher Jr. discloses an independent, redundant third computer; and wherein the second computer is configured to match with the third computer by comparing the second work result of the second computer with a third work result of the third computer in the disclosure of

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Midgley. The motivation for doing do would have been to provide triple contingency protection in the rare event of a primary system failure (Col 3 lines 10-22)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./
Examiner, Art Unit 2141

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145